

## **CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.** Special Permit #1944

**DATE:** October 30, 2001

**PROPOSAL** Cricket Wireless is proposing a 126' tall tower capable of accommodating three carriers, with a 10' x 17' concrete pad for equipment cabinets, with waiver of the fall zone from 63' to 15'.

**LAND AREA:** Approximately .49 acres.

**CONCLUSION:** Given the inability to collocate on the existing tower at 3910 N. 69<sup>th</sup> Street, the proposed siting represents a compatible location for this facility. It complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Special Permit: Waiver of the Fall Zone:	Conditional Approval Approve
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### **GENERAL INFORMATION**

**LEGAL DESCRIPTION:** Lots 7, 8 and 9, Block 7, Ackerman's Addition to Havelock, Lancaster County, Nebraska.

**LOCATION:** Northeast of N. 67<sup>th</sup> Street and Seward Avenue

**OWNER:** JNP Investments, LLC  
PO Box 29471  
Lincoln, NE 68506

**APPLICANT:** Cricket Nebraska Property Company  
6655 South Lewis Avenue, Suite 200  
Tulsa, OK 74136

**CONTACT:** Harvey Cooper  
Abraham Kaslow, and Cassman  
8712 West Dodge Road Suite 300  
Omaha, NE 68114

**EXISTING ZONING:** I-1 Industrial District

**EXISTING LAND USE:** Electrical Contractor

### **SURROUNDING LAND USE AND ZONING:**

North	Single-family Residential	R-2
South	Truck Repair	I-1
East	Multi-family Residential	I-1
West	Vacant (open storm sewer)	I-1

**HISTORY:** CZ#2953 - Approved a change of zone in 1996 for Lot 9, Block 7, Ackerman's Addition from R-2 to I-1.

CZ #873 - Approved a change of zone in 1968 from A-2, Single-family Residential to K, Light Industrial for an approximately 300' wide strip of land along the railroad right-of-way that previously existed in this area.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates this area as Industrial. The following goals from the Comprehensive Plan are applicable:

1. Chapter III (A) pg. 37 - Goal #1 - Maximize opportunities for planned urban development which are sensitive to the natural qualities of the area, including land uses efficiently served by a balanced and energy efficient transportation system and community services and facilities.
2. Chapter V (H) pg. 149 - Goal #1 - Continue to assure that Lincoln and Lancaster County are fully served by development of the "Information Superhighway".

## **ANALYSIS**

### **OVERVIEW:**

This request proposes a 126' tall monopole designed to accommodate Cricket's antennas and two additional carriers. A 10' x 17' concrete pad will be located adjacent to the tower for the placement of three equipment cabinets. Per design standards, trees will be planted to help screen the facility. However, additional trees are required along the west edge of compound as they are not shown on the landscaping plan. This application also includes a request for a waiver of the fall zone from 63' to 15'.

### **STANDARDS FOR EVALUATION:**

#### **Conformity with Comprehensive Plan.**

1. While no goals specifically address communications towers, this proposal is consistent with goals that seek to preserve neighborhood character and encourage businesses that serve neighborhood residents, while minimizing intrusion as much as possible. Communications towers also allow for the development of the infrastructure to support emerging wireless technologies, and are consistent with the goal of ensuring the community is served by the 'Information Superhighway'.

#### **Preference of site location in accordance with Chapter 27.68.080.**

2. This application is considered a limited preference location under Lincoln Municipal Code (LMC) Section 27.68.080(a)(2) - a site located in a commercial or industrially zoned property.

**Compatibility with abutting property and land uses.**

3. This application is located within an approximately 300' wide industrial corridor that includes abandoned railroad right-of-way turned bike path. Uses within this corridor are light industrial in nature and reflect development that historically was deemed compatible with the railroad. These uses are also compatible with a broadcast tower.

A waiver of the fall zone from 63' to 15' is also requested, and is a result of attempting to provide the maximum separation between the tower and surrounding residential uses. At the proposed location in the southwest corner of the property, the facility is bounded by N. 67<sup>th</sup> Street which has a 60' wide right-of-way, and Seward Avenue which has an 80' right-of-way. The property to the west across N. 67<sup>th</sup> Street is vacant except for a concrete-lined storm sewer. Given the development in this area, the waiver of the fall zone is reasonable.

**Adverse impacts such as visual, environmental or noise impacts.**

4. The application attempts to minimize the visual impact by locating the tower on the southwest corner of the site to provide as much separation as possible to surrounding residential uses. Visual impact is further mitigated by providing the required tree plantings where 50% of them must reach a height of at least 35' at maturity.

**Availability of suitable existing structures for antenna mounting.**

5. There is an existing 120' tall Western Wireless broadcast tower approximately two blocks east of this site. Cricket was encouraged to collocate, however the existing tower was found to be structurally incapable of accommodating a second carrier. The applicant states that Western wireless has been non-responsive to requests to replace the pole and at this time collocation is infeasible.

**Scale of facility in relation to surrounding land uses.**

6. While there are no other facilities of this height in the area except the Western Wireless tower to the east, the proposed tower is compatible with the large commercial and industrial buildings located within the I-1-zoned corridor.

**Impact on views/vistas and impact on landmark structures/districts, historically significant structures/districts, architecturally significant structures, landmark vistas or scenery and view corridors from visually obtrusive antennas and back-up equipment.**

7. There is no negative impact on views, vistas, or historic structures/districts.

**Color and finish.**

8. The tower will have a galvanized finish consistent with LMC 27.68.100.

**Ability to collocate.**

9. The tower is designed to be collocatable and can accommodate two additional carriers.

**Screening potential of existing vegetation, structures and topographic features, and screening potential of proposed facilities, ground level equipment, buildings and tower base.**

10. There are existing trees in the surrounding neighborhoods that help provide partial screening when viewing the site from those areas. Additional trees will be planted according to design standards to further screen the facility, however the landscape plan must be revised to show trees planted along the west edge of the compound. Ground-based equipment will be placed inside the compound and will be adequately screened from view when the plants mature.

**Evidence of good faith efforts, and demonstration that a preferred or limited preference site was not technically, legally, or economically feasible.**

11. The only preferred location in this area would be the Western Wireless tower, and the applicant has provided a copy of a letter sent to Western Wireless seeking to upgrade the tower to accommodate collocation. The applicant states there has been no response to this request.

**CONDITIONS**

1. Site Specific:

- 1.1 This approval authorizes a 126' tower with pad and ground-based equipment cabinets consistent with the site plan submitted for a period of 15 years.

2. General:

- 2.1 Prior to issuance of building permits:

- 2.1.1 A structural design analysis prepared by a licensed Nebraska engineer must be approved by the City showing structural integrity sufficient for two carriers.

- 2.1.2 A surety in an amount sufficient to guarantee removal of the applicant's facilities must be approved by the City Attorney.

- 2.1.3 The landscape plan must be revised to show the required trees along the west edge of the facility compound.

3. Standard:

3.1 The following conditions are applicable to all requests:

3.1.1 Before operating this personal wireless facility, all development and construction is to comply with the approved plans.

3.1.2 The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.

3.1.3 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.

3.1.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

3.1.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

3.1.6 The permittee shall, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090, in connection with the issuance and review of this permit.

3.1.7 As a part of this approval, the permittee agrees that the permittee, successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgements for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs of suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.

3.1.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

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Brian Will, AICP  
Planner

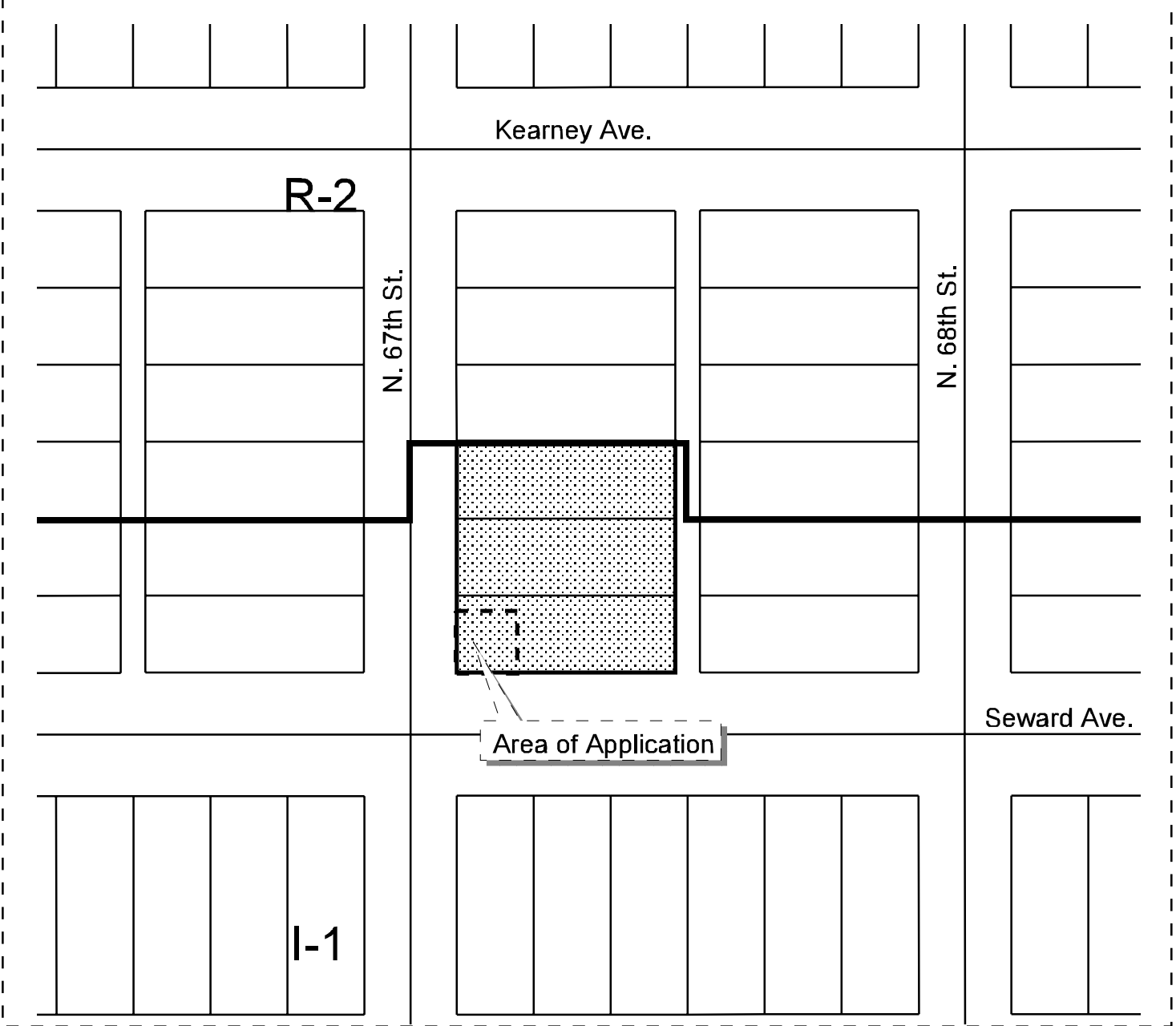
F:\FILES\Planning\PC\PERMITS\SP\1900\SP1944 Cricket 67th & Seward bjw.wpd



**Special Permit #1944  
67th & Seward Ave.**



Photograph Date: 1997

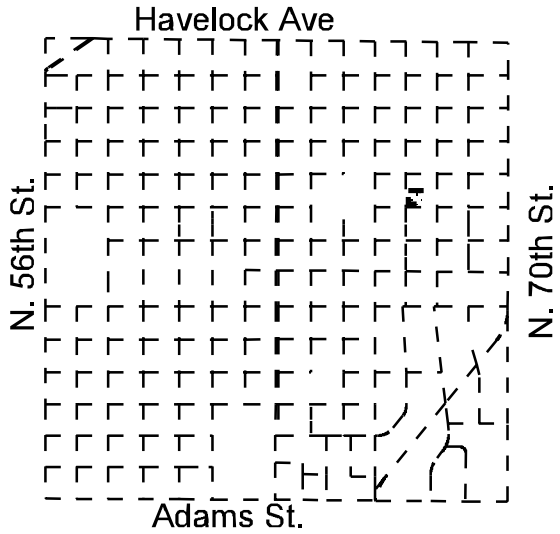
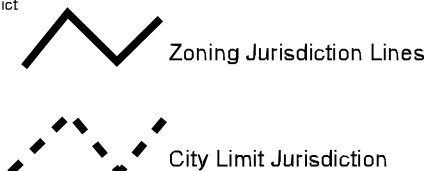


# **Special Permit #1944** **67th & Seward Ave.**

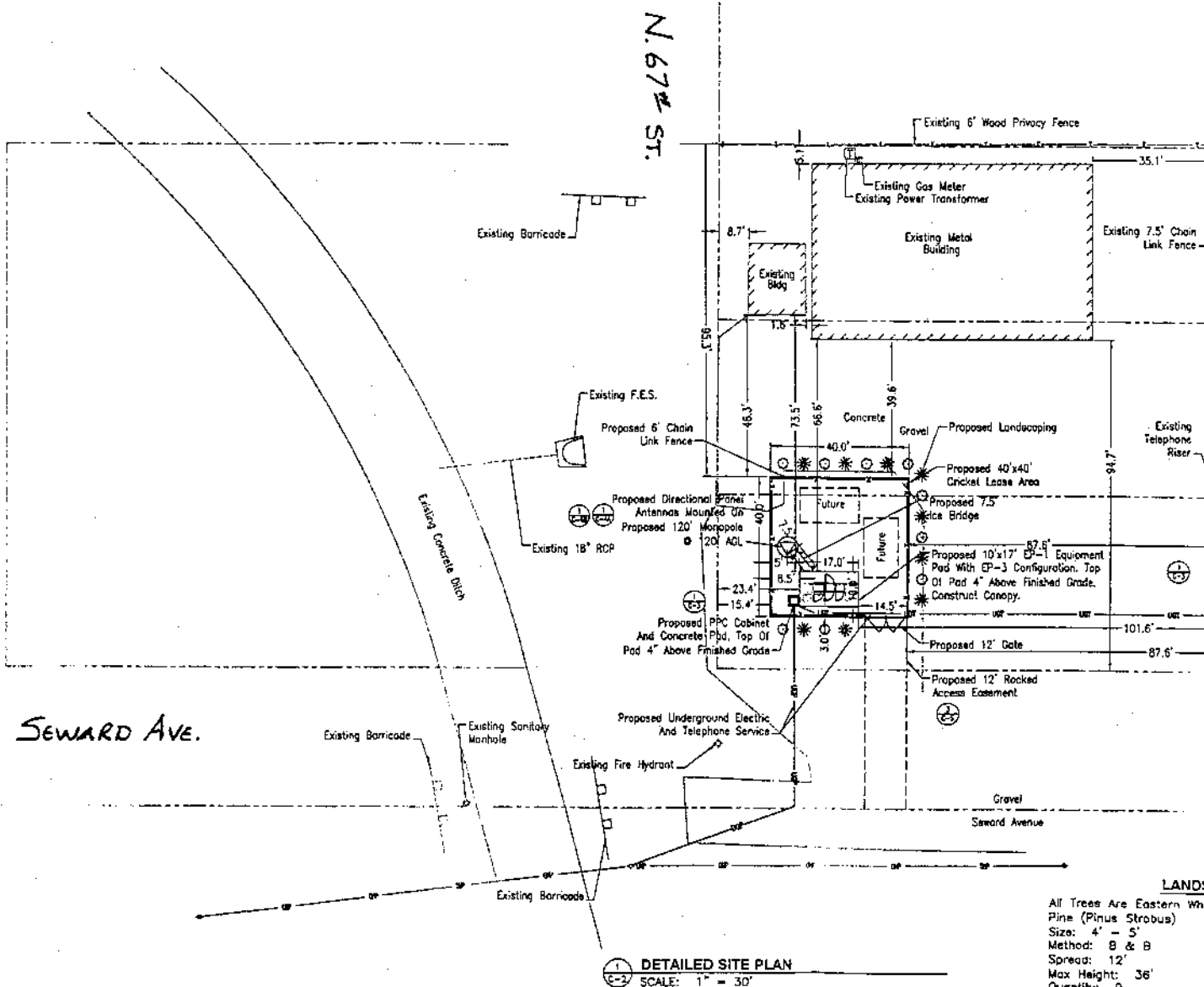
## **Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 9 T10N R7E







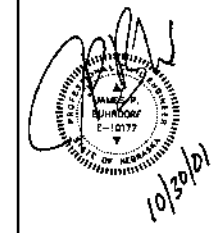
**cricket™**  
Comfortable Wireless  
100% OLD HELL ROAD SUITE 1  
ORLANDO, FL 32814

Lucent Technologies  
THE WIRELESS GROUP

LAMP RYNEARSON  
& ASSOCIATES, INC.

DRAWN BY: MAP  
CHECKED BY: JPB

SUBMITTALS		
DATE	DESCRIPTION	REV
10/31/01	ZONING	1



PROJECT NO.  
LIN-002D

SITE NAME  
HAVELOCK

SHEET TITLE  
DETAILED SITE PLAN

SHEET NUMBER  
C-2

REVISION  
JOB NO.  
01035.97

#### LANDSCAPE SCHEDULE

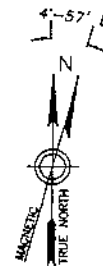
All Trees Are Eastern White Pine (Pinus Strobus) Size: 4" - 5" Method: 8 & B Spread: 12" Max Height: 36' Quantity: 9	All Shrubs Are Pfizer Juniper (Juniperus Chinensis Pfizeriana) Size: 18" - 24" Method: 8 & B Spread: 6" Max Height: 5' Quantity: 9
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Note: All Plant Material Shall Be Installed Per Current City Of Lincoln Design Standards

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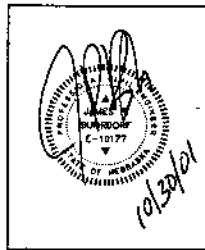
# ANTENNA SCHEDULE

SECTOR	AZIMUTH (TN)	AZIMUTH (MN)	ANT. HEIGHT (FEET)	DOWNTILT (DEGREE)	NUMBER OF ANTENNAS	ANTENNA MODEL NUMBER	CABLE LENGTH (FEET)	CABLE TYPE	COLOR CODE
1	0	8	120	0	2	EMS RV-90-18-02	135	1 5/8"	TX1/RX1: Yellow Brown RX2: Yellow Yellow White
2	120	128	120	0	2	EMS RV-90-18-02	135	1 5/8"	TX1/RX1: Red Brown RX2: Red Red White
3	240	248	120	0	2	EMS RV-90-18-02	135	1 5/8"	TX1/RX1: Green Brown RX2: Green Green White



DRAWN BY: MAE CHECKED BY: JPB

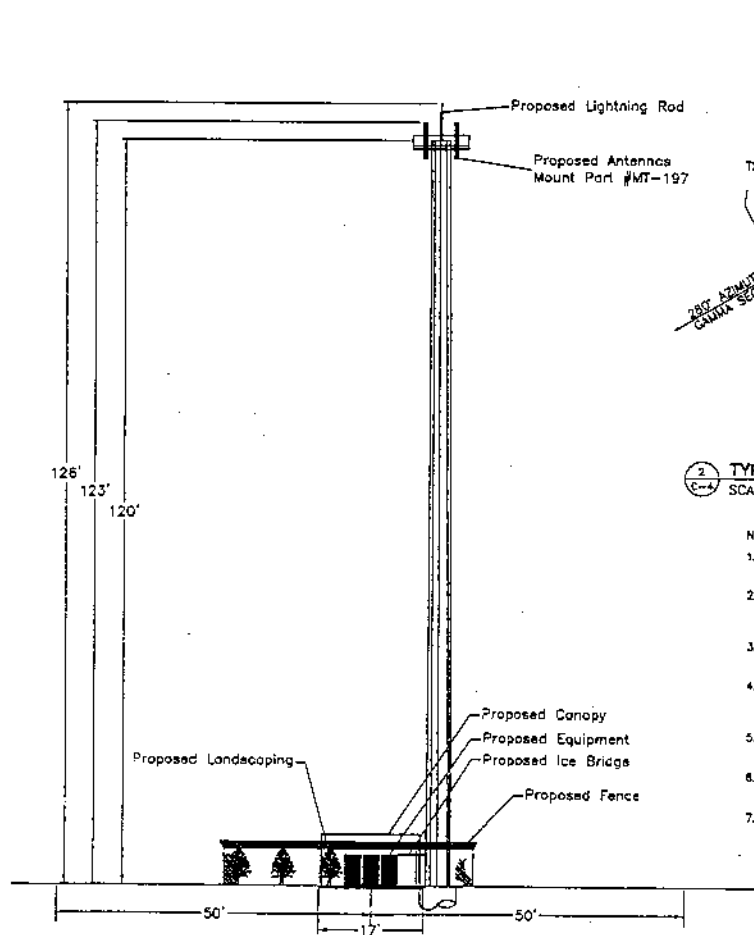
SUBMITTALS		
DATE	DESCRIPTION	REV
10/31/01	ZONING	1



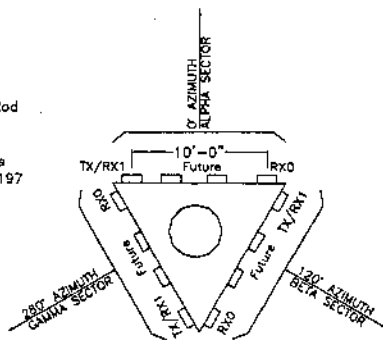
PROJECT NO.  
LIN-0020  
SITE NAME  
HAVELOCK

SHEET TITLE  
TOWER ELEVATIONS

SHEET NUMBER  
C-4A  
REVISION  
JOB NO.  
01035.B7

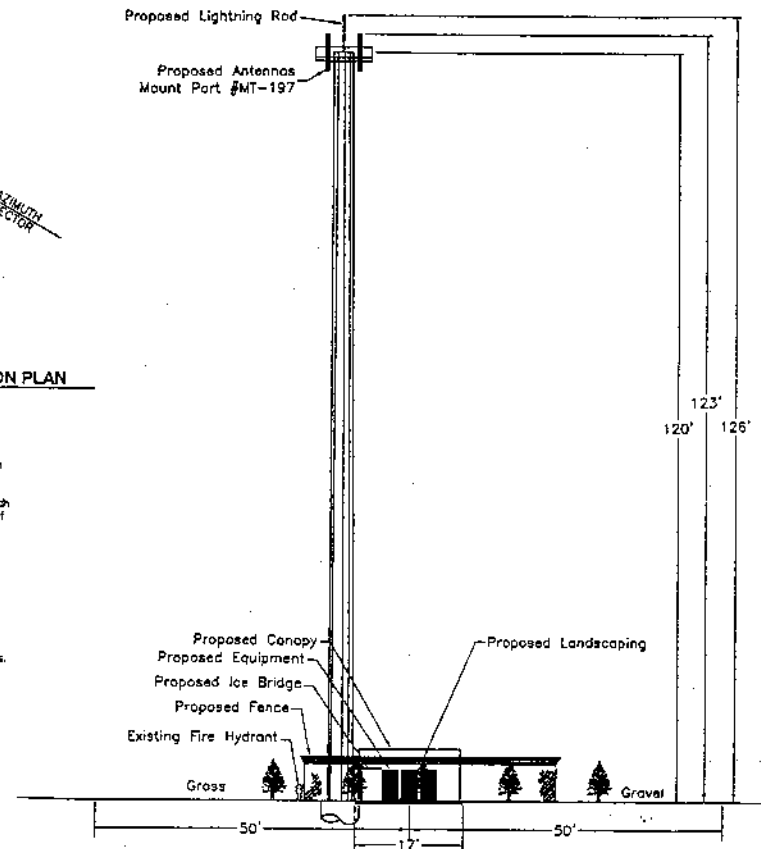


1 SOUTH ELEVATION  
SCALE: 1" = 20'



2 TYPICAL ANTENNA ORIENTATION PLAN  
SCALE: N.T.S.

- Notes:
1. No Climbing Devices Will Be Placed On The Tower Below 20 Feet.
  2. All Antenna And Equipment Shall Match The Predominant Color And Texture Of The Site.
  3. See Equipment Brochure For Antenna Mounting Brackets And Hardware.
  4. Antennae And Support Structure Are Designed To Withstand 100 mph Wind Load.
  5. Initial Installation Is 6-Antennas, Future Growth Addition Of 3-Antennas.
  6. Tower Built For Two (2) Additional Co-Location Carriers.
  7. Tower/ Tower Site To Be Built To EIA Standards.



3 NORTH ELEVATION  
SCALE: 1" = 20'